

FOR RELEASE AFTER 10 AM WEDNESDAY, AUGUST 5, 1970

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STATEMENT ON THE SENATE FLOOR
BY U.S. SENATOR BOB DOLE (R-KANS.)

F.C.C. -- FAIRNESS OR BIAS?

Mr. President:

Yesterday, discussion on the floor concerned remarks made by Donald E. Johnson, Veterans Administration Administrator, in a speech to the DAV National Convention in Los Angeles on July 28.

Because of the furor raised, I would now call attention to what I believe is a unique letter, and share it with my colleagues. In fact, I would like to go a step further and let what I say here suffice as the reply to that letter.

Let me first say, it was written on Federal Communications Commission stationery and was signed by one, Gary Gerlach, who identifies himself as Legal Assistant to Commissioner Nicholas Johnson. I can only assume that he speaks for the Commissioner.

Mr. President, one thing that makes Mr. Gerlach's letter unique is that the Federal Communications Commission for which he works is an arm of the Congress. Another is that in that capacity he accuses me of being "pro-war."

It is not often that an employee of an arm of the Congress officially accuses a Member of the Congress of seeking to inaugurate a pro-war television campaign. In fact, it is not often that a Member of Congress is accused of being pro-war. We may differ here on what is the best way to end the war in Vietnam, but I know of no Senator who per se is pro-war.

However, this does not bother Mr. Gerlach. His opening sentence is, "I read with interest in the July 27 issue of Broadcasting of your campaign to get pro-war spots on stations across the country."

Mr. President, I would hope that Mr. Gerlach can substantiate what he says I am doing.

For his edification I would like to take a moment and explain what it is I am doing.

The Amendment to End the War Committee and sundry allied groups are running on television a number of slick, professional prepared spots aimed at convincing Americans citizens that, if the McGovern-Hatfield Amendment does not pass, the war in Vietnam will continue indefinitely.

Now, I happen to disagree with that premise. Like Senators Hatfield and McGovern I, too, want peace. But like President Nixon, I want peace, not a pull-out. I want a peace with honor and justice. So, do most of the Members of the Senate. For that reason, I have asked those TV stations running the McGovern-Hatfield spots for time to reply under the Fairness Doctrine, which states that both sides of any controversial issue must be fairly presented.

I will have more to say about this in a later speech, but now I wish to get on with Mr. Gerlach's letter.

His next paragraph warns me that if I am successful in gaining equal time under the Fairness Doctrine, that many so-called "peace groups" will have the right to seek equal time to reply to me.

Now this may be so, however, most of them are associated in some manner with the Amendment to End the War Committee. If they have a right to time I do not begrudge it to them. But I do resent being warned against seeking time to reply to McGovern-Hatfield on the grounds that other so-called "peace groups" will then get more free time.

Finally, Mr. President, Mr. Gerlach tells me he is enclosing a recent Commission opinion on the matter because "I thought you might like to bring yourself up to date."

The inference is obvious in that last snide remark. Mr. President, I should like to pose a question: How can we expect impartial and honest interpretations of the broadcasting code and of the laws when we depend on FCC employees who show an obvious antagonism toward some Members of the Senate and an equally obvious bias against the views they espouse.

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Dole

I strongly believe, Mr. President, that Mr. Gerlach is a detriment to the Federal Communications Commission and has placed himself in a position where he is unable to serve honestly and effectively.

Incidentally, I should point out here that he is not what he implies. Though he calls himself Mr. Johnson's "Legal Assistant", files at the Commission show that he was graduated from Harvard this summer, is not a member of the Bar and is, in fact, classified as a "Legal Trainee."

It is obvious, Mr. President, that his training has included courses in neither manners nor veracity.

I do not call for his resignation, Mr. President. I do not believe he should be offered that chance. I do call, however, on Commissioner Johnson to fire him in the best interests of the Commission and the industry it serves if Commissioner Johnson is unaware of his letter.

If Commissioner Johnson was aware of the letter when it was written, then I believe he should examine his own conscience carefully to see if he can continue to serve as an effective and unbiased Member of the Commission.

At this time I ask unanimous consent to insert Mr. Gerlach's letter at this point.

A copy of the letter is attached

Federal Communications Commission
Washington, D.C. 20554

July 30, 1970

Honorable Robert Dole
United States Senate
Washington, D.C. 20510

Dear Senator Dole:

I read with interest in the July 27, 1970, issue of Broadcasting, of your campaign to get pro-war spots on stations across the country.

Ironically, there are many peace groups in the country who wish you well, for if you can establish yourselves under the Fairness Doctrine you will in turn help achieve access to the media for peace groups such as San Francisco Women for Peace, the Baltimore Friends, and Businessmen Against the War. These groups and many more have prepared spots ready to roll -- all they need is your interpretation of the Fairness Doctrine.

You'll find enclosed a recent Commission opinion on the matter. I thought you might like to bring yourself up to date.

Sincerely,

(signed) Gary G. Gerlach
Legal Assistant to
Commissioner Johnson

Enclosure